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UNITED STATES BANKRUPTCY COURT
DISTRICT OF VERMONT

In re:

**Kenneth C. Ruest,
Debtor**

**Kenneth C. Ruest,
Plaintiff,**

v.

**Citibank, N.A., as Trustee for the
MLMI Trust Series 2006-HE5, et al.,
Defendants.**



**Chapter 13 Case
08-10512**

**Adversary Proceeding
09-1035**

Aparances:

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Burlington, Vermont
For Citibank, N.A., as Trustee for the
MLMI Trust Series 2006-HE5*

**ORDER
GRANTING IN PART AND DENYING IN PART
THE DEFENDANT'S MOTION FOR SUMMARY JUDGMENT**

For the reasons set forth in the memorandum of even date, IT IS HEREBY ORDERED that the motion for summary judgment filed by Citibank N.A. as Trustee for the MLMI Trust Series 2006-HE5 (the "Bank") on January 17, 2011 (doc. # 33), is GRANTED on the issue of whether the Debtor may obtain relief based his TILA and RESPA claims against the Bank and judgment may be entered thereon in favor of the Bank; and is DENIED as to the Debtor's claim that the Bank lacks standing; and

IT IS FURTHER ORDERED that the Bank's request for attorneys' fees and costs is DENIED.
SO ORDERED.

August 23, 2011
Burlington, Vermont



Colleen A. Brown
United States Bankruptcy Judge